

# *The Seneca Nation of Indians*

## **PRESIDENT'S OFFICE**

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September 18, 2008

Chairman Phillip N. Hogen  
National Indian Gaming Commission  
1441 L Street, NW  
Suite 9100  
Washington, DC 20006

**Re: *In the matter of Notice of Violation to the Seneca Nation of Indians, NOV-08-20***

Dear Chairman Hogen:

In accordance with 25 C.F.R. § 575.5(a), this letter constitutes the Seneca Nation of Indians' ("Nation") written request for an extension of time to submit information relative to the Notice of Violation ("NOV") issued by the Chairman of the National Indian Gaming Commission ("NIGC") to the Nation on September 3, 2008. Without such an extension, the Nation would be required to submit today information about "the facts surrounding the violation and the amount of the civil fine," if any.

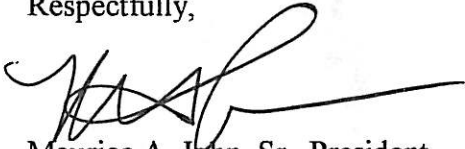
As set forth in detail in the Nation's Supplemental Submission timely filed with the Commission on September 15, 2008, good cause exists for the Chairman to grant a thirty (30) day extension of the time to file information regarding the NOV. In particular, the Nation specifically requested that the Presiding Official defer any hearing in this matter until a reasonable time after October 15, 2008. That is the date by which the Chairman is statutorily required to take action on the Nation's gaming ordinance amendments, which were submitted on July 17, 2008. 25 C.F.R. § 523.4.<sup>1</sup> The Chairman's decision is likely to have a direct bearing on the underlying legal issues giving rise to the NOV and could eliminate the basis for it altogether. Moreover, the United States is currently assessing its appeal options in the ongoing *CACGEC II* litigation. A decision to take a particular course of action could also have a direct bearing on the continuing validity of the NOV.

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<sup>1</sup> If the Chairman does not act upon the ordinance amendments within the statutory timeframe, the ordinance amendments become approved by operation of law. 25 C.F.R. § 523.4(c).

For these reasons, the Nation respectfully requests a thirty (30) day extension of the time to file information regarding the NOV in accordance with Section 575.5(a). Correspondingly, the Nation also requests that the Chairman, consistent with his authority under 25 C.F.R. § 575.5(b), delay the assessment of any civil fine relative to the instant NOV until a reasonable time after the Nation has submitted to the Chairman the information contemplated under Section 575.5(a).

Respectfully,

A handwritten signature in black ink, appearing to read 'MAJ', with a long horizontal line extending to the right.

Maurice A. John, Sr., President  
**Seneca Nation of Indians**

xc: Michael Hoenig, Staff Attorney  
National Indian Gaming Commission